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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/659,251	09/11/2003		Hajime Kobayashi	953.1009	953.1009 3551	
21171	7590	09/21/2004		EXAMINER		
STAAS & F	IALSEY	LLP	WOLFE JR, WILLIS RAY			
1201 NEW YORK AVENUE, N.W.				ART UNIT	PAPER NUMBER	
WASHINGTON, DC 20005				3747		

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
!	10/659,251	KOBAYASHI ET AL.
Office Action Summary	Examiner	Art Unit
	Willis R. Wolfe, Jr.	3747
The MAILING DATE of this communication a Period for Reply	appears on the cover sheet with t	he correspondence address
A SHORTENED STATUTORY PERIOD FOR REF THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above, is less than thirty (30) days, a orange of the period for reply is specified above, the maximum statutory perions for reply within the set or extended period for reply will, by state Any reply received by the Office later than three months after the material patent term adjustment. See 37 CFR 1.704(b).	N. 1.136(a). In no event, however, may a reply leading to the statutory minimum of thirty (30 od will apply and will expire SIX (6) MONTHS tute, cause the application to become ABAND	be timely filed) days will be considered timely. from the mailing date of this communication. ONED (35 U.S.C. § 133).
Status	•	
1) Responsive to communication(s) filed on	·	1
2a) ☐ This action is FINAL . 2b) ☑ T	his action is non-final.	
3) Since this application is in condition for allow closed in accordance with the practice under the condition of the cond	•	
Disposition of Claims		*
4) Claim(s) 1-4 is/are pending in the application		*
4a) Of the above claim(s) is/are withd	rawn from consideration.	
5) Claim(s) is/are allowed.	,	
6) Claim(s) 1 and 3 is/are rejected.		
 7) Claim(s) 2 and 4 is/are objected to. 8) Claim(s) are subject to restriction and 	t/or election requirement	
are subject to restriction and	aror election requirement.	
Application Papers		Ve C
9)☐ The specification is objected to by the Exami	iner.	
10) The drawing(s) filed on is/are: a) a	ccepted or b) objected to by t	he Examiner.
Applicant may not request that any objection to the		
Replacement drawing sheet(s) including the corr		- · · ·
11) The oath or declaration is objected to by the	Examiner. Note the attached Of	fice Action or form PTO-152.
Priority under 35 U.S.C. § 119		% "
12) Acknowledgment is made of a claim for forei	gn priority under 35 U.S.C. § 11	9(a)-(d) or (f).
a)⊠ All b)□ Some * c)□ None of:		
1. Certified copies of the priority docume	ents have been received.	
2. Certified copies of the priority docume	ents have been received in Appli	cation No
 Copies of the certified copies of the properties of the	·	eived in this National Stage
* See the attached detailed Office action for a li		eived. 🔻 🖟
Attachment(s)		
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Ll Interview Sumn Paper No(s)/Ma	nary (PTO-413) ail Date.
 Notice of Braitsperson's Patent Brawing Review (P10-940) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/0 Paper No(s)/Mail Date <u>01/30/04</u>. 		nal Patent Application (PTO-152)

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DETAILED ACTION

Claim Rejections - 35 USC § 102

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action?

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invertion by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Wakita et al. Note Figure 1 showing air bleed passage (66b) with valve (68) controlling the amount of scavenging air entering an EGR passage (12a).

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Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Sisken. Note column 5, lines 51-58.

Allowable Subject Matter

Claims 2 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references of Machida et al and Opri are cited to show EGR systems utilizing air to flush out a component of the system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willis R. Wolfe, Jr. whose telephone number is (703) 308-1950. The examiner can normally be reached on Tuesday, Wednesday and Friday (4:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry C. Yuen can be reached on (703) 308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Willis R. Wolfe, Jr.

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Primary Examiner
Art Unit 3747

WRW September 17, 2004